

FORM NLRB-501

FORM EXEMPT UNDER 44 U.S.C. 3512

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

**DO NOT WRITE IN THIS SPACE**

Case 04-CA-131376	Date Filed 6/23/14
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**INSTRUCTIONS:**

File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer McDonald's USA LLC		b. Number of workers employed 30
c. Address (street, city, state, ZIP code) One McDonald's Plaza Oak Brook, IL 60523	d. Employer Representative (b) (6), (b) (7)(C)	c. Phone: 302-655-8077 FAX:
f. Type of Establishment (factory, mine, wholesaler, etc.) services	g. Identify principal product or service food services	

h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3 of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

Within the last six months, McDonald's has changed workers' shifts and reduced workers' hours at 700 W. 4<sup>th</sup> Street in Wilmington, DE in retaliation for their lawful, protected concerted activity, in violation of the Act.

**By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.**

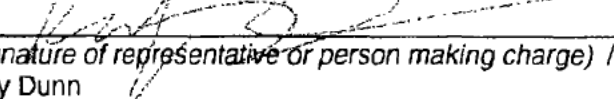
**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**  
Fast Food Workers Organizing Committee of Delaware

4a. Address (street and number, city, state, and ZIP code) 1000 N. West Street, 12 <sup>th</sup> Floor, Wilmington, DE 19801	4b. Phone: FAX:
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5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

**6. DECLARATION**

**I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.**

By   
(signature of representative or person making charge) /s/  
Katy Dunn

Associate General Counsel  
(title if any)

Phone: 212-388-3970

FAX: 212-388-2062

25 West 18<sup>th</sup> Street, NY, NY 10011

6-22-14

(Address)

(Telephone Nos.)

(date)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
615 Chestnut St Ste 710  
Philadelphia, PA 19106-4413

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658



Download  
NLRB  
Mobile App

June 24, 2014

(b) (6), (b) (7)(C)

McDonald's USA LLC  
One McDonald's Plaza  
Oak Brook, IL 60523

Re: McDonald's USA LLC  
Case 04-CA-131376

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Attorney JENNIFER R. SPECTOR whose telephone number is (215)597-7647. If this Board agent is not available, you may contact RICHARD P. HELLER whose telephone number is (215)597-7633.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Dennis P. Walsh". The signature is fluid and cursive, with the first name "Dennis" and last name "Walsh" clearly legible.

DENNIS P. WALSH  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

Revised 3/21/2011

## NATIONAL LABOR RELATIONS BOARD

**QUESTIONNAIRE ON COMMERCE INFORMATION**

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

McDonald's USA LLC

CASE NUMBER

04-CA-131376

**1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)****2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION  
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

**4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

**9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates )****YES NO**A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.  
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)  
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: \_\_\_\_\_**10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

**12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE**

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**MCDONALD'S USA LLC**

Charged Party

and

**FAST FOOD WORKERS ORGANIZING  
COMMITTEE OF DELAWARE**

Charging Party

**Case 04-CA-131376**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on June 24, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

**(b) (6), (b) (7)(C)**

McDonald's USA LLC  
One McDonald's Plaza  
Oak Brook, IL 60523

June 24, 2014

Date

Janet T. Jackson  
Designated Agent of NLRB

Name

/s/ Janet T. Jackson

Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 04  
615 Chestnut St Ste 710  
Philadelphia, PA 19106-4413

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658

June 24, 2014

Fast Food Workers Organizing  
Committee of Delaware  
1000 N. West Street  
12th Floor  
Wilmington, DE 19801

Re: McDonald's USA LLC  
Case 04-CA-131376

Dear Sir or Madam:

The charge that you filed in this case on June 23, 2014 has been docketed as case number 04-CA-131376. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Attorney JENNIFER R. SPECTOR whose telephone number is (215)597-7647. If this Board agent is not available, you may contact RICHARD P. HELLER whose telephone number is (215)597-7633.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Dennis P. Walsh". The signature is written in a cursive, flowing style.

DENNIS P. WALSH  
Regional Director

cc: Katy Dunn, Associate General Counsel  
25 West 18th Street  
New York, NY 10011

**From:** [Heller, Richard P.](#)  
**To:** [Spector, Jennifer R.](#); [Peterson, Jane D.](#)  
**Cc:** [Maier, Harold A.](#)  
**Subject:** new charge-- McDonald's  
**Date:** Tuesday, June 24, 2014 10:01:33 AM  
**Attachments:** [hmaier-20142523042523 PDF - Adobe Acrobat Pro..PDF](#) - [Adobe Acrobat Pro..PDF](#)

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## Basic Instructions:

**Assigning Supervisor:** Open the pdf attachment to the ARD's email, fill out the attached NxGen slip (using the Adobe typewriter function), and click save. Then forward the ARD's email to the assigned agent and docketing clerk along with any appropriate amplifying comments. Assume the docketing clerk is Jane Peterson unless a different person is noted in the original ARD email.

**Assigned Agent:** (1) Read the comments made by the ARD and supervisor concerning the handling of this case and begin the investigation promptly by contacting the charging party/petitioner. There is no need to wait until docketing is completed or you receive the paper file.

(2) Once you receive from the dockets section the docketed charge/petition showing the case number, please upload the ARD-Supervisor-Agent email into the NxGen Investigation Action. Use document subtype: Regional Office Internal Emails on Case Processing (EMI) and describe the document as: Assignment email chain.

## Additional Information:

*This charge or petition is being docketed using a paperless procedure. The subject line for each new filing will have the following format: "new filing – charge (petition) assigned to your team "case name." You have received a pdf copy of the filing along with a NxGen slip. The NxGen slip has the case name, assigned supervisor, IA category and 10(j) potential marked. If it is a representation case, the hearing date will be noted on the NxGen sheet. Using the Adobe typewriter function, the supervisor should type in the name of the agent, number of 8(a)(3)/8(b)(2) discriminatees (if known), and the status of bargaining. Be sure to click "save" on the document before forwarding it to the agent and dockets. Outlook keeps a copy in your Sent Items folder that you can use for future reference.*

*To aid you, each new filing which has a NxGen history will be followed by a second email which will have the name of the case in the subject line. This second email will be an Excel spreadsheet which reflects the NxGen history of other related cases and their status. If any columns of the spreadsheet are not fully visible, you are able to adjust them as you would any spreadsheet.*

*If you do not know how to use the Adobe typewriter function please see the ARD.*

## Notes:

- 1) The reason for the standardization of the information in the subject line is to allow you to set up rules in your Outlook system which may assist you in organizing these emails. For information on setting up such rules, please contact DRA Scott Thompson.*
- 2) I will also enter notes in the initial email such as if an agent previously had related cases, NIB/1<sup>st</sup> contract warning, obviously needed amendments, etc. Mostly, it will be the information you would have seen on the yellow slip.*

June 23, 2014

**Via Facsimile 215-597-7658 and Regular Mail**

Dennis P. Walsh, Regional Director  
NLRB Region 4  
615 Chestnut Street  
7th Floor  
Philadelphia, PA 19106-4404

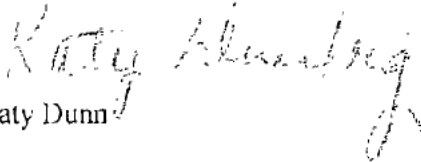
**Re: Unfair Labor Practice Charge Against  
McDonald's USA LLC**


Dear Director Walsh:

Enclosed for filing is an unfair labor practice charge against Employer McDonald's USA LLC.

Thank you for your consideration in this matter.

Very truly yours,

  
Katy Dunn

KD   
Enclosure

# NEXTGEN Docketing Slip

Case Name <b>McDonald's USA</b>	Case Number <b>CA-</b>
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Agent <b>Spector</b>	Supervisor <b>Heller</b>
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**C Cases:**

Impact Category (circle one)    1    2 <b>3</b>  Potential 10(j)? <u>Yes</u> <del>xxx</del> No <u>Unknown</u>  No. of 8(a)(3)/8(b)(2) Discriminatees: _____	Case Group (related cases) a Existing Identify at least 1 case number from existing case group _____  b New Provide all case numbers to create new case group: _____
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<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><th style="text-align: center;">Bargaining Status</th></tr> <tr><td><input type="checkbox"/> Existing Contract</td></tr> <tr><td><input type="checkbox"/> Expired Contract</td></tr> <tr><td><input type="checkbox"/> Initial Contract</td></tr> <tr><td><input type="checkbox"/> None</td></tr> <tr><td><input checked="" type="checkbox"/> Organizing Campaign</td></tr> <tr><td><input type="checkbox"/> Succeeding Contract</td></tr> <tr><th style="text-align: center;">8(a)(1)</th></tr> <tr><td><input type="checkbox"/> Coercive Actions (Surveillance, etc.)</td></tr> <tr><td><input type="checkbox"/> Coercive Rules</td></tr> <tr><td><input type="checkbox"/> Coercive Statements (Threats, Promises of Benefits, etc.)</td></tr> <tr><td><input type="checkbox"/> Concerted Activities (Retaliation, Discharge, Discipline)</td></tr> <tr><td><input type="checkbox"/> Denial of Access</td></tr> <tr><td><input type="checkbox"/> Discharge of Supervisor (Parker Robb Chevrolet)</td></tr> <tr><td><input type="checkbox"/> Interrogation (including polling)</td></tr> <tr><td><input type="checkbox"/> Lawsuits</td></tr> <tr><td><input type="checkbox"/> Weingarten</td></tr> <tr><th style="text-align: center;">8(a)(2)</th></tr> <tr><td><input type="checkbox"/> Assistance</td></tr> <tr><td><input type="checkbox"/> Domination</td></tr> <tr><td><input type="checkbox"/> Unlawful Recognition</td></tr> <tr><th style="text-align: center;">8(a)(3)</th></tr> <tr><td><input checked="" type="checkbox"/> Changes in Terms &amp; Conditions of Employment</td></tr> <tr><td><input type="checkbox"/> Discharge(Including Layoff and Refusal to Hire (Not Salting))</td></tr> <tr><td><input type="checkbox"/> Discipline</td></tr> <tr><td><input type="checkbox"/> Lockout</td></tr> <tr><td><input type="checkbox"/> Refusal to Consider/ hire Applicant (salting only)</td></tr> <tr><td><input type="checkbox"/> Refusal to hire Majority</td></tr> <tr><td><input type="checkbox"/> Refusal to Reinstate Employee/Striker (e.g. Laidlaw)</td></tr> <tr><td><input type="checkbox"/> Retaliatory Lawsuit</td></tr> <tr><td><input type="checkbox"/> Shutdown or Relocate/Subcontract Unit Work</td></tr> <tr><td><input type="checkbox"/> Union Security Related Actions</td></tr> </table>	Bargaining Status	<input type="checkbox"/> Existing Contract	<input type="checkbox"/> Expired Contract	<input type="checkbox"/> Initial Contract	<input type="checkbox"/> None	<input checked="" type="checkbox"/> Organizing Campaign	<input type="checkbox"/> Succeeding Contract	8(a)(1)	<input type="checkbox"/> Coercive Actions (Surveillance, etc.)	<input type="checkbox"/> Coercive Rules	<input type="checkbox"/> Coercive Statements (Threats, Promises of Benefits, etc.)	<input type="checkbox"/> Concerted Activities (Retaliation, Discharge, Discipline)	<input type="checkbox"/> Denial of Access	<input type="checkbox"/> Discharge of Supervisor (Parker Robb Chevrolet)	<input type="checkbox"/> Interrogation (including polling)	<input type="checkbox"/> Lawsuits	<input type="checkbox"/> Weingarten	8(a)(2)	<input type="checkbox"/> Assistance	<input type="checkbox"/> Domination	<input type="checkbox"/> Unlawful Recognition	8(a)(3)	<input checked="" type="checkbox"/> Changes in Terms & Conditions of Employment	<input type="checkbox"/> Discharge(Including Layoff and Refusal to Hire (Not Salting))	<input type="checkbox"/> Discipline	<input type="checkbox"/> Lockout	<input type="checkbox"/> Refusal to Consider/ hire Applicant (salting only)	<input type="checkbox"/> Refusal to hire Majority	<input type="checkbox"/> Refusal to Reinstate Employee/Striker (e.g. Laidlaw)	<input type="checkbox"/> Retaliatory Lawsuit	<input type="checkbox"/> Shutdown or Relocate/Subcontract Unit Work	<input type="checkbox"/> Union Security Related Actions	<table border="1" style="width: 100%; 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Subcontract Work</td></tr> <tr><th style="text-align: center;">8(b)(1)(A):</th></tr> <tr><td><input type="checkbox"/> Coercion, including Statements and Violence</td></tr> <tr><td><input type="checkbox"/> Denial of Access</td></tr> <tr><td><input type="checkbox"/> Discipline (Including charges/fines) Harassment</td></tr> <tr><td><input type="checkbox"/> Duty of Fair Representation, including Superseniority, denial of access</td></tr> <tr><td><input type="checkbox"/> Hiring Halls</td></tr> <tr><td><input type="checkbox"/> Picketing/Strike Actions</td></tr> <tr><td><input type="checkbox"/> Rules Coercive</td></tr> <tr><td><input type="checkbox"/> Union Dues and/or Membership Related (including accessing fees)</td></tr> <tr><th style="text-align: center;">8(b)(1)(B)</th></tr> <tr><td><input type="checkbox"/> Fund Contribution Related</td></tr> <tr><td><input type="checkbox"/> Lawsuits</td></tr> <tr><td><input type="checkbox"/> Other Allegations</td></tr> <tr><td><input type="checkbox"/> Statements/Threats/Violence</td></tr> <tr><th style="text-align: center;">8(b)(2)</th></tr> <tr><td><input type="checkbox"/> Hiring Hall Related</td></tr> <tr><td><input type="checkbox"/> Lawsuits</td></tr> <tr><td><input type="checkbox"/> Union Security Related Actions</td></tr> <tr><td><input type="checkbox"/> Failure to Sign Agreement</td></tr> </table>	8(a)(4)	<input type="checkbox"/> Changes in Terms & Conditions of Employment	<input type="checkbox"/> Discharge (including Layoff and Refusal to Hire)	<input type="checkbox"/> Discipline	<input type="checkbox"/> Refusal to Reinstate Employee/Striker	<input type="checkbox"/> Shutdown or Relocate/Subcontract Unit Work	8(a)(5)	<input type="checkbox"/> Alter Ego	<input type="checkbox"/> Failure to Sign Agreement	<input type="checkbox"/> Refusal to Bargain/Bad Faith Bargaining (including surface bargaining/direct dealing)	<input type="checkbox"/> Refusal to Furnish Information	<input type="checkbox"/> Refusal to Recognize	<input type="checkbox"/> Repudiation /Modification of Contract [Sec 8(d)/Unilateral Changes]	<input type="checkbox"/> Shutdown or Relocate (e.g. First National Maint.) 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**From:** [Maier, Harold A.](#)  
**To:** [Leach, David E.](#); [Dunham, Geoffrey](#)  
**Cc:** [Tursell, Beth](#); [Walsh, Dennis](#); [Halevy, Daniel E.](#); [Heller, Richard P.](#); [Spector, Jennifer R.](#)  
**Subject:** Coordinated Case: McDonald's USA LLC  
**Date:** Tuesday, June 24, 2014 1:12:34 PM  
**Attachments:** [CHG.04-CA-131376.Initial Charge.pdf](#)

---

Attached please find a newly-filed McDonald's case which is subject to coordination.

Thanks.

Harry

***Harold A. Maier***

Assistant to the Regional Director  
NLRB - Region 4  
615 Chestnut Street  
Suite 710  
Philadelphia, PA 19106-4413  
(215) 597-7610 (Office)  
(215) 597-7658 (Fax)

---

**From:** Peterson, Jane D.  
**Sent:** Tuesday, June 24, 2014 1:06 PM  
**To:** Maier, Harold A.; Heller, Richard P.; Spector, Jennifer R.; Murray, Lorraine Y.; Messina, Rita M.; Dunmyer, Renai J.; Jackson, Janet T.  
**Subject:** McDonald's USA LLC CAT 3

### Confidential Witness Affidavit

I, **Affiant Name**, being first duly sworn upon my oath, state as follows:

**I have been given assurances by an agent of the National Labor Relations Board (NLRB) that this Confidential Witness Affidavit will be considered a confidential law enforcement record by the NLRB and will not be disclosed unless it becomes necessary to produce this Confidential Witness Affidavit in connection with a formal proceeding.**

I reside at

My home telephone number (including area code) is:

My cell phone number (including area code) is:

My e-mail address is:

I **am or was** employed by

located at

**I am being provided a copy of this Confidential Witness Affidavit for my review. I understand that this affidavit is a confidential law enforcement record and should not be shown to any person other than my attorney or other person representing me in this proceeding.**

**I have read this Confidential Witness Affidavit consisting of 1 pages, including this page, I fully understand it, and I state under penalty of perjury that it is true and correct. However, if after reviewing this affidavit again, I remember anything else that is important or I wish to make any changes, I will immediately notify the Board agent.**

#### Privacy Act Statement

The NLRB is asking you for the information on this form on the authority of the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the NLRB in processing representation and/or unfair labor practice cases and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). Additional information about these uses is available at the NLRB website, [www.nlr.gov](http://www.nlr.gov). Providing this information to the NLRB is voluntary. However, if you do not provide the information, the NLRB may refuse to continue processing an unfair labor practice or representation case, or may issue you a subpoena and seek enforcement of the subpoena in federal court.

I have had this statement, consisting of 6 pages including this page, read to me and translated by David Rodriguez. I understand its contents, and I hereby certify that it is true and correct to the best of my knowledge and belief.

He dado esta declaracion, consistiendo de 6 paginas, leida y traducida por David Rodriguez. Y entiendo lo que contienen estas paginas y certifico que es la verdad y es correcto segun mi entender y creencia.

**Date:** June 25, 2014

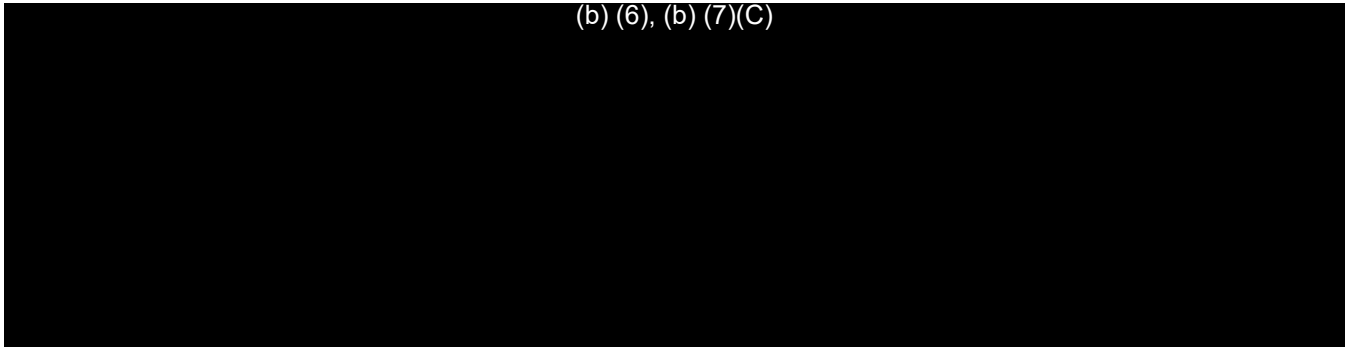
**Signature:** \_\_\_\_\_

**[Affiant Name]**

**Signed and sworn to before me on** June 25, 2014 **at**

**Philadelphia, Pennsylvania**

(b) (6), (b) (7)(C)



\_\_\_\_\_  
**JENNIFER R. SPECTOR**  
**Board Agent**  
**National Labor Relations Board**



MCDONALD'S OF WILMINGTON-W 4TH  
700 WEST 4TH STREET  
WILMINGTON, DE 19801-2004

CHECK NO: (b) (6), (b) (7)(C)  
PAY PERIOD: (b) (6), (b) (7)(C) / 2014  
PAY DATE: (b) (6), (b) (7)(C) / 2014  
EMPLOYEE #: (b) (6), (b) (7)(C)  
STORE: 10019  
FED TAX #/EIN: (b) (4)  
FED TAX MARITAL STATUS: (b) (6), (b) (7)(C)  
EXEMPTIONS:  
FEDERAL: (b) (6), (b) (7)(C)  
STATE(DE):

DDP 10019

(b) (6), (b) (7)(C)

QUESTIONS? CALL 1-877-623-1955

EARNINGS	RATE	HOURS	AMOUNT	HOURS	AMOUNT
REGULAR PAY			(b) (6), (b) (7)(C)		
	GROSS PAY				

**STATUTORY DEDUCTIONS**

STATE OF DELAWARE

(b) (6), (b) (7)(C)

U.S. GOVERNMENT W/H

EE-PD MEDICARE

EE-PD SOCIAL SECURITY

(b) (6), (b) (7)(C)

NET PAY

(b) (6), (b) (7)(C)

FEDERAL TAXABLE WAGES

(b) (6), (b) (7)(C)

**DIRECT DEPOSIT INFORMATION**

BANK ACCT NUMBER

ABA NUMBER

AMOUNT

(b) (6), (b) (7)(C)

IS YOUR ADDRESS CORRECT/ESTA CORRECTO SU DOMICILIO

MCDONALD'S OF WILMINGTON-W 4TH  
700 WEST 4TH STREET  
WILMINGTON, DE 19801-2004

DATE

NET AMOUNT

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

NON-NEGOTIABLE



MCDONALD'S OF WILMINGTON-W 4TH  
700 WEST 4TH STREET  
WILMINGTON, DE 19801-2004

CHECK NO: (b) (6), (b) (7)(C)  
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PAY DATE: (b) (6), (b) (7)(C) / 2014  
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STATE(DE): (b) (6), (b) (7)(C)

DDP 10019

(b) (6), (b) (7)(C)

QUESTIONS? CALL 1-877-623-1955

**EARNINGS**

REGULAR PAY

GROSS PAY

**STATUTORY DEDUCTIONS**

STATE OF DELAWARE

(b) (6), (b) (7)(C)

U.S. GOVERNMENT W/H

EE-PD MEDICARE

EE-PD SOCIAL SECURITY

NET PAY

FEDERAL TAXABLE WAGES

**DIRECT DEPOSIT INFORMATION**

BANK ACCT NUMBER

ABA NUMBER

AMOUNT

IS YOUR ADDRESS CORRECT/ESTA CORRECTO SU DOMICILIO

MCDONALD'S OF WILMINGTON-W 4TH  
700 WEST 4TH STREET  
WILMINGTON, DE 19801-2004

DATE

NET AMOUNT

(b) (6), (b) (7)(C) 2014

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

NON-NEGOTIABLE



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### Wilmington fast-food workers join national protest against low wages

A growing faction of fast food workers, including in Delaware, walked off their jobs Thursday to send a message to their employers: “Super-size our wages” because “we can’t survive on \$7.25.”



Post to Facebook



Wilmington fast-food workers join national  
protest against low wages

CancelSend

**Sent!**

A link has been sent to your friend's email address.

**Posted!**

A link has been posted to your Facebook feed.

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### Wilmington fast-food workers join national protest against low wages

By Cori Anne Natoli, The News Journal 11:06 p.m. EST December 5, 2013

**Delaware fast food workers joined their colleagues around the country on Thursday, taking to the streets to send a message to their employers: “Super-size our wages” because “we can’t survive on \$7.25.”**



Lucila Aguilar, 11, is hugged by her mother Sara Jimenez, 44, a worker at McDonald's on Fourth Street, as the two protested for better wages in front of Wendy's on Concord Pike. (Photo: JENNIFER CORBETT/THE NEWS JOURNAL)

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Delaware fast food workers joined their colleagues around the country on Thursday, taking to the streets to send a message to their employers: "Super-size our wages" because "we can't survive on \$7.25."

About 100 people outside of Wendy's on Concord Pike near Wilmington held signs and repeated chants calling for \$15 per hour and the right to form a union without retaliation from their bosses.

The message, which began being voiced in New York City about a year ago, is getting louder and gaining the attention of local officials, clergy members and advocates.

Thursday, the number of participating cities doubled in size to more than 100.

In Delaware, on the sidelines of the fight for a living wage stood a 10-year-old girl with a message. Lucila Jimenez held a neon yellow sign that read, simply, "My Mom needs a raise."

Lucila stood with her mother, Sara, a single mother of five who works at McDonald's on 4th Street in Wilmington. The pair were on the front lawn of Wendy's during the strike action, organized by DE Fast Food Forward.

Jimenez said her shifts are not consistent, and when she's not raising her children she's working for \$7.75 per hour.

"The money that I make now can barely pay the bills," Jimenez said.

Her corporate employer, meanwhile, said it's providing opportunities.

Lisa McComb, spokeswoman for McDonald's USA, said in an email that the company offers employees "opportunities to succeed."

"We invest in training and professional development that helps them learn practical and transferable business skills," McComb said.

Similarly, Wendy's said in a statement, "We give thousands of people who ask for an entry-level job the opportunity to learn and develop important skills at our company and franchise restaurants, so they can grow with us or move on to something else, or another career.

"We offer compensation that reflects an employee's skill and is competitive in the marketplace. Furthermore, nine of out 10 Wendy's employees make more than the current federal minimum wage" of \$7.25.

The problem, says Ezra Temko, of the Delaware Chapter of Americans for Democratic Action, is that many fast-food employees are not teenagers or young adults embarking on their careers – they're parents trying to put the next meal on the table. Two-thirds of the core working force in the \$200 billion dollar industry are adults, he said.

Less than 1 in 5 are younger than 19 and living with a parent, said Temko, "and frankly, that doesn't reflect who is working at these places, and it doesn't reflect our current economy or job opportunities."

In Delaware, more than 11,200 residents clock into a fast-food restaurant for work for a median wage of \$8.57, according to Julie Blust of the 32BJ SEIU Mid-Atlantic. That's not enough for a Wilmington resident to afford the basics, the group said.

But the entry-level jobs are not always meant to be held by the sole bread winner of the family, said Carrie Leishman,

president and chief executive officer of the Delaware Restaurant Association, reached after the rally.

"They are there to offer entry-level opportunities," Leishman said. "For those people with families, they need to look to help further their education. ... The people who have families are getting on that ladder and moving up in the industry, or looking at what it takes to move up and out and into higher paying industries."

By the numbers, 13 percent of the segment is receiving health benefits from their employer, 30 hours is the average work week and 52 percent rely on some type of public assistance for themselves or their families, making them twice as likely to require government aid than other workers, Temko said.

"Low wages not only hurt the workers here in Wilmington, they hurt our community and slow down Delaware's economy," said Wilmington City Councilman Nnamdi O. Chukwuocha.

"These workers aren't just speaking out for their own wages, they're sounding the alarm for all of us," said State Rep. John Kowalko, D-Newark South. "This is a burden on every taxpayer in the country and it's an unfair burden hoisted on these workers – but also it's not a burden we should place on our taxpayers and the economy."

In most cases in Delaware, Leishman said, the positions pay more than minimum wage and offer appropriate pay for the amount of skill and education. The jobs are vital to teenagers and attract the elderly and those looking for flexible work hours, she said, and by design teach personal responsibility and a strong work ethic.

Leishman went on to say the "protests are largely orchestrated by national labor groups looking to drum up their dwindling memberships.

"The bottom line," she said, "is the restaurant industry is a bright spot in the state's economy."

*Contact Cori Anne Natoli at (302) 324-2855, on Twitter @CoriAnneNatoli, Facebook Cori Natoli-News Journal, or email [cnatoli@delawareonline.com](mailto:cnatoli@delawareonline.com).*

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### Fast-food workers' needs should not be dismissed

A recent letter, “Fast food wages will never provide living wage,” missed the point. The writer doesn’t understand ou...



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Fast-food workers' needs should not be dismissed

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### Fast-food workers' needs should not be dismissed

WIL 10:54 a.m. EST December 2, 2013



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Protesters leave the building after presenting the Burger King management with a strike notice in August. (Photo: ROBERT CRAIG/THE NEWS JOURNAL)Buy Photo

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A recent letter, "Fast food wages will never provide living wage," missed the point. The writer doesn't understand our situation and appears unsympathetic to the challenges we face as fast-food workers. The struggle to turn our jobs into good jobs is not a "farce."

Contrary to what the letter writer says, fast-food workers are not kids hungry for work experience. A recent study found 68 percent of fast-food workers are adults and are supporting families. Fast-food jobs are not launching pads for young people. They are low-paying dead ends. We want to change that.

We do not work for small businesses like a local ice cream shop. We work for multinational corporations that make billions of dollars and pay their CEOs millions. It would take a fast-food worker earning \$7.25 per hour 930 years to make what one company CEO made in one year.

As a taxpayer, the letter writer should be concerned by the fast-food industry business model of low wages and benefits. When we cannot afford health care and food because of low wages, we are forced to go on taxpayer-funded public assistance. We don't want to be on public assistance. We want to be paid a living wage for a job done well. That is why we joined workers in 60 other cities for a one-day strike to demand \$15 an hour and a union. That is why we are asking our public and political leaders to support us in our fight for a better life.

Jasmine Bailey, Jose Blas-Beza, Damita Brittingham, Jennifer Buford, Cierra Carlton, Camille Collins, Chandra Crippen, Leah Faber, Chris Harding, Neka Hunter and Ben Hunter, Sara Jimenez, Jazmine Jordan, Naimah King, Paulette Laws, Jacqueline Moore, Latrieshia Seeney, Yasmine Stephens, Bonifiesao Vaughn and Howard White

Food workers in the Wilmington area

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UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
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Philadelphia, PA 19106-4413

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658

Agent's Direct Dial: (215)597-7647

June 27, 2014

Doreen S. Davis, Esquire  
Jones Day  
222 East 41st Street  
New York, NY 10017-6739  
VIA EMAIL ONLY: [ddavis@jonesday.com](mailto:ddavis@jonesday.com)

Jonathan M. Linas, Esquire  
Jones Day  
77 W. Wacker Drive, Suite 3500  
Chicago, IL 60601-1701  
VIA EMAIL ONLY: [jlinas@jonesday.com](mailto:jlinas@jonesday.com)

Andrew G. Madsen, Attorney at Law  
Jones Day  
77 W. Wacker Drive, Suite 3500  
Chicago, IL 60601-1701  
VIA EMAIL ONLY: [amadsen@jonesday.com](mailto:amadsen@jonesday.com)

Re: McDonald's USA, LLC  
Case 04-CA-131376

Dear Ms. Davis, Mr. Linas, and Mr. Madsen:

As you know, I have been assigned to investigate the above-captioned charge. I am writing to request your client's evidence in the case. Set forth below are the allegations and issues on which your evidence is needed, a request to take affidavits, a request for documentary evidence, and the date for providing your evidence.

**Allegations:** The allegations for which I am seeking your evidence are as follows:

The charge alleges that during the past six months prior to the charge filing, the Employer retaliated against employees for their protected concerted activity. Specifically, the Charging Party alleges that (b) (6), (b) (7)(C), an employee of the restaurant located at 700 W. 4<sup>th</sup> Street in Wilmington, DE, engaged in union and/or protected concerted activity by, inter alia, participating in fast food worker strikes in about August and December 2014, that the Employer was aware of this activity, and that it has been cutting (b) (6), (b) (7)(C) work hours in retaliation for the activity, in order to attempt to force (b) (6), (b) (7)(C) to quit, and in order to discourage other employees from engaging in protected concerted and/or union activity. The Charging Party alleges that (b) (6), (b) (7)(C)

was working (b) (6) hours per week before the Employer became aware of (b) (6) protected concerted activity, and since that time has been scheduled for only (b) (6), (b) (7)(C) hours per week.

**Board Affidavits:** I am requesting to take affidavits from (b) (6), (b) (7)(C) and a (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (last name unknown), and any other individuals you believe have information relevant to the investigation of this matter. Please be advised that the failure to present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge. If you agree to make these other witnesses available for affidavits, please contact my supervisor, Richard Heller, at 215-597-7633, by July 3, 2014 to schedule their appearances, as I will be out of the office next week.

**Documents:** Please provide the following documents, along with any and all other evidence you deem to be relevant to the case:

1. Personnel file of (b) (6), (b) (7)(C).
2. The addresses and telephone numbers of all non-supervisory employees who were employed at the 700 N. 4<sup>th</sup> Street, Wilmington, DE location since August 1, 2013.
3. All documents concerning (b) (6), (b) (7)(C) work assignments, and the reasons why (b) (6), (b) (7)(C) was assigned the hours (b) (6), (b) (7)(C) was since (b) (6), (b) (7)(C) 2013.
4. Timecards or other documents reflecting the number of hours (b) (6), (b) (7)(C) worked per week during the period (b) (6), (b) (7)(C) 2013 to the present.
5. A position statement setting forth the Employer's position concerning all of the above issues. Please include: all of the reasons for the change in (b) (6), (b) (7)(C) work schedules, if any; the Employer's position as to the labor organization status of the Charging Party; whether or not the Employer became aware of (b) (6), (b) (7)(C) participation in the fast food worker strikes in about August and December 2013, and if so, how; the job titles and brief description of the duties of (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) (last name unknown).

**Position on 10(j) Relief:** You are also requested to provide your position as to the appropriateness of Section 10(j) injunctive relief in this matter. Section 10(j) of the Act permits the NLRB to ask a federal district court "for appropriate temporary relief or restraining order" pending the Board's resolution of an unfair labor practice charge. The district court is authorized to grant "such temporary relief or restraining order as it deems just and proper." If the Region determines the Charged Party has violated the Act as alleged, the Region will consider whether to seek injunctive relief in this matter. Accordingly, please provide your position, legal theory, case law, and supporting evidence regarding whether injunctive relief would be appropriate for the alleged violations in this case and whether such injunctive relief would be just and proper. I wish to emphasize that the Region has not yet made a decision as to whether the Charged Party

has violated the Act as alleged. Rather, we want to provide you with adequate notice that injunctive relief will be considered if such a decision is made.

**Date for Submitting Evidence:** To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter by Monday, July 7, 2014. If you are willing to allow me to take affidavits, please contact my supervisor, Richard Heller, by Thursday, July 3, 2014 to schedule a time to take affidavits. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to **[www.nlr.gov](http://www.nlr.gov)**, select **E-File Documents**, enter the **NLRB case number**, and follow the detailed instructions. If I have not received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (215)597-7647, or e-mail, [jennifer.spector@nlrb.gov](mailto:jennifer.spector@nlrb.gov), so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

*/s/ Jennifer Spector*

JENNIFER R. SPECTOR  
Attorney

FORM NLRB-501

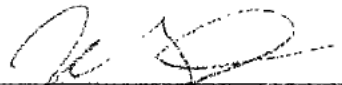
FORM EXEMPT UNDER 44 U.S.C. 3512

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**FIRST AMENDED CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
4-CA-131376	6-30-14

**INSTRUCTIONS:**

File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer McDonald's USA LLC		b. Number of workers employed 30
c. Address (street, city, state, ZIP code) One McDonald's Plaza Oak Brook, IL 60523	d. Employer Representative (b) (6), (b) (7)(C)	e. Phone: 302-655-8077 FAX:
f. Type of Establishment (factory, mine, wholesaler, etc.) services	g. Identify principal product or service food services	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) <u>3</u> of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
<p>Within the last six months, McDonald's has changed (b) (6), (b) (7)(C) shifts and reduced (b) (6), (b) (7)(C) hours at 700 W. 4<sup>th</sup> Street in Wilmington, DE in retaliation for (b) (6), (b) (7)(C) lawful, protected concerted activity, in violation of the Act.</p> <p><b>By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.</b></p>		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Fast Food Workers Organizing Committee of Delaware		
4a. Address (street and number, city, state, and ZIP code) 1000 N West Street, 12 <sup>th</sup> Floor, Wilmington, DE 19801	4b. Phone. FAX:	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)		
6. DECLARATION		
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		
By  (signature of representative or person making charge) /s/ Katy Dunn		Associate General Counsel (title if any)
25 West 18 <sup>th</sup> Street, NY, NY 10011 (Address)		Phone: 212-388-3970 FAX: 212-388-2062 (Telephone Nos.)
		6-30-14 (date)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT  
(U.S. CODE, TITLE 18, SECTION 1001)**



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
615 Chestnut St Ste 710  
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Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658



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June 30, 2014

(b) (6), (b) (7)(C)

MCDONALD'S USA LLC  
ONE MCDONALD'S PLAZA  
OAK BROOK, IL 60523

Re: McDonald's USA LLC  
Case 04-CA-131376

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Attorney JENNIFER R. SPECTOR whose telephone number is (215)597-7647. If the agent is not available, you may contact RICHARD P. HELLER whose telephone number is (215)597-7633.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

DENNIS P. WALSH  
Regional Director

Enclosure: Copy of first amended charge

cc: DOREEN S. DAVIS, ATTORNEY  
JONES DAY  
222 EAST 41ST STREET  
NEW YORK, NY 10017-6702

JONATHAN M LINAS, ESQ., ATTORNEY  
JONES DAY  
77 W WACKER DR.  
STE 3500  
CHICAGO, IL 60601-1692

ANDREW G. MADSEN, ATTORNEY  
JONES DAY  
77 W. WACKER DRIVE, SUITE 3500  
CHICAGO, IL 60601-1701



**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**MCDONALD'S USA LLC**

Charged Party

and

**FAST FOOD WORKERS ORGANIZING  
COMMITTEE OF DELAWARE**

Charging Party

**Case 04-CA-131376**

**AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on June 30, 2014, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

**(b) (6), (b) (7)(C)**

MCDONALD'S USA LLC  
ONE MCDONALD'S PLAZA  
OAK BROOK, IL 60523

JONATHAN M LINAS, ESQ., ATTORNEY  
JONES DAY  
77 W WACKER DR.  
STE 3500  
CHICAGO, IL 60601-1692

DOREEN S. DAVIS, ATTORNEY  
JONES DAY  
222 EAST 41ST STREET  
NEW YORK, NY 10017-6702

ANDREW G. MADSEN, ATTORNEY  
JONES DAY  
77 W. WACKER DRIVE, SUITE 3500  
CHICAGO, IL 60601-1701

June 30, 2014

\_\_\_\_\_  
Date

Edward P. Canavan  
Designated Agent of NLRB

\_\_\_\_\_  
Name

/s/ Edward P. Canavan  
\_\_\_\_\_  
Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
615 Chestnut St Ste 710  
Philadelphia, PA 19106-4413

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658



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June 30, 2014

FAST FOOD WORKERS ORGANIZING  
COMMITTEE OF DELAWARE  
1000 N. WEST STREET  
12TH FLOOR  
WILMINGTON, DE 19801

Re: McDonald's USA LLC  
Case 04-CA-131376

Dear Sir or Madam:

We have docketed the first amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Attorney JENNIFER R. SPECTOR whose telephone number is (215)597-7647. If the agent is not available, you may contact RICHARD P. HELLER whose telephone number is (215)597-7633.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

DENNIS P. WALSH  
Regional Director

cc: KATY DUNN,  
ASSOCIATE GENERAL COUNSEL  
25 WEST 18TH STREET  
NEW YORK, NY 10011

**From:** [Katy Dunn](#)  
**To:** [Spector, Jennifer R.](#)  
**Subject:** McDonald's USA, 4-CA-131376  
**Date:** Tuesday, August 5, 2014 12:17:06 PM  
**Attachments:** [IMG\\_9435.jpeg](#)

---

Jennifer,

Please see the attached and below concerning the continued retaliation against (b) (6)

Katy

**From:** "(b) (6), (b) (7)(C)" <[REDACTED]>  
**To:** "Timothy Finucan" <[TFinucan@seiu32bj.org](mailto:TFinucan@seiu32bj.org)>  
**Subject:** IMG\_9435.jpeg (b) (6) pay stub

Tim,

Here is a picture of (b) (6), (b) (7)(C) pay stub from the past 2 weeks. (b) (6), (b) (7)(C) was only given (b) (6), (b) (7)(C) hours for 2 weeks, and (b) (6), (b) (7)(C) paycheck totaled (b) (6), (b) (7)(C). This is the least amount of hours (b) (6), (b) (7)(C) ever gotten. They are definitely trying to punish and push (b) (6), (b) (7)(C) out. (b) (6), (b) (7)(C) very upset. What can we do?



Sent from my iPhone

MCDONALD'S OF WILMINGTON-W 4TH  
700 WEST 4TH STREET  
WILMINGTON, DE 19801-2004

DDP 10019

(b) (6), (b) (7)(C)

CHECK NO: (b) (6), (b) (7)(C)  
PAY PERIOD: (b) (6), (b) (7)(C) 2014 (b) (6), (b) (7)(C)  
PAY DATE: (b) (6), (b) (7)(C) 2014  
EMPLOYEE #: (b) (6), (b) (7)(C)  
STORE: 10019  
FED TAX #/EIN: (b) (6), (b) (7)(C)  
FED TAX MARITAL STATUS: (b) (6), (b) (7)(C)  
EXEMPTIONS: (b) (6), (b) (7)(C)  
FEDERAL: (b) (6), (b) (7)(C)  
STATE(DE): (b) (6), (b) (7)(C)

QUESTIONS? CALL 1-877-623-1955

----- THIS PERIOD -----		----- YEAR-TO-DATE -----	
RATE	HOURS	AMOUNT	AMOUNT
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TORY DEDUCTIONS			(b) (6), (b) (7)(C)
OF DELAWARE		(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
(b) (6), (b) (7)		(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
GOVERNMENT W/H		(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
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D SOCIAL SECURITY		(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
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RECT DEPOSIT INFORMATION		(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
BANK ACCT NUMBER		(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
ABA NUMBER		(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
IS YOUR ADDRESS CORRECT/ESTA CORRECTO SU DOMICILIO		(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)

MCDONALD'S OF WILMINGTON-W 4TH  
700 WEST 4TH STREET  
WILMINGTON, DE 19801-2004

DATE (b) (6), (b) (7)(C) 2014  
NET AMOUNT (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)  
\*\*\*\*\*  
(b) (6), (b) (7)(C)

NON-NEGOTIABLE

PFF  
(b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)

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Aug 15 strike - (b) (6)  
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Dec 5 strike - notice  
o Er - appearance in  
papers

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(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

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**From:** [Protas, Henry R.](#)  
**To:** [Spector, Jennifer R.](#)  
**Subject:** RE: McDonald's Case 04-CA-131376  
**Date:** Tuesday, August 19, 2014 4:11:00 PM

---

Thanks for getting back to me. I feel a lot better about going forward now that I've got your input.  
Thanks again and enjoy the rest of your vacation.

Hank

---

**From:** Spector, Jennifer R.  
**Sent:** Tuesday, August 19, 2014 4:06 PM  
**To:** Protas, Henry R.  
**Subject:** RE: McDonald's Case 04-CA-131376

Hi Henry, sorry I didn't have time to write a bit more of an explanation before I left. You're not missing a thing, (b) (5), (b) (6), (b) (7)(C)

I asked the Er for some additional information and never got it - if I recall correctly, there were a few pay periods that were missing from what they sent, and I asked for that information to add in (b) (5), (b) (6), (b) (7)(C)

Andrew Madsen was the Jones Day person who has been handling this case most directly.

(b) (5) Thanks for picking this up.

Jennifer Roddy Spector  
Supervisory Field Attorney  
National Labor Relations Board, Region 4  
615 Chestnut Street, Suite 710  
Philadelphia, Pennsylvania 19106-4413  
215-597-7625  
215-597-7658 (fax)

[www.nlr.gov](http://www.nlr.gov)  
[jennifer.spector@nlrb.gov](mailto:jennifer.spector@nlrb.gov)

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**From:** Protas, Henry R.  
**Sent:** Tuesday, August 19, 2014 2:16 PM  
**To:** Spector, Jennifer R.  
**Subject:** McDonald's Case 04-CA-131376

Jennifer:

Sorry to bother you but I have been reassigned the investigation in the above-captioned case and I was hoping you can give me some guidance. I have read through the electronic file and I see that you requested some information from the Employer on August 5, 2014. The file does not show that any was received. Are we expecting a response? (b) (5), (b) (6), (b) (7)(C)

[REDACTED]

[REDACTED] Any thoughts on this would also be appreciated. Hopefully, with your help, I won't bother you again on your vacation.

Hank

Henry R. Protas, Senior Field Attorney  
National Labor Relations Board  
615 Chestnut Street  
7th Floor  
Philadelphia, PA 19106  
(tele.) 215-597-7652  
(fax) 215-597-7658

**From:** [Heller, Richard P.](#)  
**To:** [Protas, Henry R.](#)  
**Cc:** [Marafioti, Angela](#)  
**Subject:** RE: mcdonald's  
**Date:** Thursday, August 28, 2014 12:06:18 PM

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Ok—I'm copying Angela so she'll know what to expect

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**From:** Protas, Henry R.  
**Sent:** Thursday, August 28, 2014 12:04 PM  
**To:** Heller, Richard P.  
**Subject:** RE: mcdonald's

Yes , withdrawal request in hand. Still no file, I guess tomorrow, I'll just route the paperwork without attaching a file

---

**From:** Heller, Richard P.  
**Sent:** Thursday, August 28, 2014 11:33 AM  
**To:** Protas, Henry R.  
**Subject:** mcdonald's

Hi. Any word from Charging Party?

Rich



NATIONAL LABOR RELATIONS BOARD  
FOURTH REGION  
ROUTING SLIP

Routing Sequence	McDonald's USA LLC Case 04-CA-131376 CATEGORY: 2	Initials	Date Forwarded 8/29/2014
	Regional Director Walsh		
	Regional Attorney		
3	Ass't to the Regional Director	mm	8/29
2	Deputy Regional Attorney Heller	Ra-	8/29
	Supervisor Heller (If Ag Min or FIR circle below)		
1	Agent Protas	WLP	8/29
	Compliance Officer		
4	RD Secretary		
	Compliance Assistant		

Ag Min/FIR must be eFiled upon RD's approval  
(a copy in every subject file, and in the master related file, if any)

Completed: Date 8/29/14 Sec'y Initials lym  
 If Withdrawal: ☒ Determination ☐ No Determination  
 (Check one)

Hard copy of file was never given  
to me & has not been located  
FIR/D in NLRB

STAMP  
lym

# NxGen ACTION Slip

Case Name: <b>McDonald's USA LLC</b>	Case Number: <b>04-CA-131376</b>
Agent: <b>Protae</b>	Supervisor: <b>Heller</b> Category: <b>2</b>

- 1) Check the appropriate action (2) Check if partial (3) Mark all allegation types that apply, as follows.
- ☒ **Withdrawal Approval** - Forward with recommendation \_\_\_\_\_ W = withdrawn not adjusted, X = adjusted
- ☐ **Advice Issuance Action** - Forward with draft \_\_\_\_\_ C = allegation type in Complaint
- ☐ **Deferral Issuance** - Forward with draft letter \_\_\_\_\_ ✓ = allegation type deferred
- ☐ **Dismissal Issuance** - Forward with draft letter \_\_\_\_\_ D = dismissed not adjusted; A = adjusted
- ☐ **Settlement Approval** - Forward with draft settlement \_\_\_\_\_ S = allegation type settled
- ☐ **Complaint** - Forward draft complaint

## List Related Cases, if any:

## INFORMATION TO CHARGING PARTY ON REASONS FOR PROPOSED DISMISSAL

### Before the charge is dismissed, have you:

- (1) Told the CP why the charge would be dismissed, absent withdrawal? ☒ Yes ☐ No
- (2) Give the CP an opportunity to withdraw? ☒ Yes ☐ No
- (3) Absent withdrawal, did you solicit a short-form dismissal letter? ☐ Yes ☒ No
- (4) Did the CP agree to: (a) ☒ Withdraw the charge? **OR** (b) ☐ Accept a short-form dismissal letter?

### IF YOU DID NOT SOLICIT A WITHDRAWAL REQUEST OR SHORT-FORM DISMISSAL LETTER, PLEASE EXPLAIN BELOW WHY YOU DID NOT DO SO:

REASON

### IF PARTIAL DISPOSITION, INDICATE:

Sections withdrawn or dismissed: \_\_\_\_\_ Sections remaining: \_\_\_\_\_

<b>8(a)(1)</b> Coercive Actions (Surveillance, etc.) Coercive Rules Coercive Statements (Threats, Promises of Benefits, etc.) Concerted Activities (Retaliation, Discharge, Discipline) Denial of Access Discharge of Supervisor (Parker Robb Chevrolet) Interrogation (including polling) Lawsuits Weingarten	Alter Ego Failure to Sign Agreement Refusal to Bargain/Bad Faith Bargaining (including surface bargaining/direct dealing) Refusal to Furnish Information Refusal to Recognize Repudiation /Modification of Contract [See 8(d)/Unilateral Changes] Shutdown or Relocate (e.g. First National Maint.) Subcontract Work	Statements <b>8(b)(4)(B)</b> Lawsuits/Grievances Picketing/Handbilling Statements <b>8(b)(4)(C)</b> Lawsuits/Grievances Picketing Statements <b>8(b)(4)(D)</b> All Allegations <b>8(b)(5)</b> All Allegations <b>8(b)(6)</b> All Allegations <b>8(b)(7)(A)</b> All Allegations <b>8(b)(7)(B)</b> All Allegations <b>8(b)(7)(C)</b> All Allegations <b>8(e)</b> All Allegations against a Labor Organization All Allegations against an Employer <b>8(g)</b> All Allegations
<b>8(a)(2)</b> Assistance Domination Unlawful Recognition	<b>8(b)(1)(A):</b> Coercion, including Statements and Violence Denial of Access Discipline (Including charges/fines) Harassment Duty of Fair Representation, including Superseniority, denial of access Hiring Halls Picketing/Strike Actions Rules Coercive Union Dues and/or Membership Related (including accessing fees)	
<b>8(a)(3)</b> W: Changes in Terms & Conditions of Employment Discharge (Including Layoff and Refusal to Hire (Not Salting)) Discipline Lockout Refusal to Consider/ hire Applicant (salting only) Refusal to hire Majority Refusal to Reinstatement Employee/Striker (e.g. Laidlaw) Retaliatory Lawsuit Shutdown or Relocate/Subcontract Unit Work Union Security Related Actions	<b>8(b)(1)(B)</b> Funds Contribution Related Lawsuits Other Allegations Statements/Threats/Violence <b>8(b)(2)</b> Hiring Hall Related Lawsuits Union Security Related Actions	
<b>8(a)(4)</b> Changes in Terms & Conditions of Employment Discharge (including Layoff and Refusal to Hire) Discipline Refusal to Reinstatement Employee/Striker Shutdown or Relocate/Subcontract Unit Work	<b>8(b)(3)</b> Refusal to Bargain/Bad Faith Bargaining or Surface Bargaining Refusal to Furnish Information Repudiation /Modification of Contract Failure to Sign Agreement <b>8(b)(4)(A)</b> Lawsuits/Grievances Picketing/Handbilling	<b>REMEDIES SOUGHT</b> AFFIRMATIVE ACTIONS BACKPAY AND REINSTATEMENT FEES, DUES, FINES REFUNDED RESTORATION OF RIGHTS REMEDY SOUGHT/ENHANCED REMEDY ENHANCED REMEDIES <b>SPECIFY ENHANCED REMEDIES HERE:</b>
<b>8(a)(5)</b>		

Case Name: McDonald's USA LLC  
Case No.: 04-CA-131376  
Agent: Attorney JENNIFER R. SPECTOR

**CASEHANDLING LOG**

Date	Person Contacted	Method of Contact	Description of Contact or Activity
6/24/14 10:05 AM	Dunn	T	LM on VM
10:15 AM	"	T	(b) (5), (b) (6), (b) (7)(C)
10:20 AM	DRA Heller	FTF	(b) (5)
10:35 AM	Dunn	T	Called back to tell her I can travel to Wilmington IF witness(es) available (b) (6), (b) (7)(C) Will check with organizer and cb.
8/6/14 4:20 PM	Madsen	T	(b) (5)

Case Name: McDonald's USA LLC  
Case No.: 04-CA-131376  
Agent: Attorney JENNIFER R. SPECTOR

## CASEHANDLING LOG

[illegible]



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 04  
615 Chestnut St Ste 710  
Philadelphia, PA 19106-4413

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
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August 29, 2014

Doreen S. Davis, Esquire  
Jones Day  
222 East 41<sup>st</sup> Street, 2<sup>nd</sup> Floor  
New York, NY 10017-6702

Jonathan M. Linas, Esquire  
Jones Day  
77 W. Wacker Drive, 5<sup>th</sup> Floor  
Chicago, IL 60601-1692

Andrew G. Madsen, Esquire  
Jones Day  
77 W. Wacker Drive, Suite 3500  
Chicago, IL 60601-1701

Re: McDonald's USA LLC  
Case 04-CA-131376

Dear Sir or Madam:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

DENNIS P. WALSH  
Regional Director

cc: (b) (6), (b) (7)(C)  
McDonald's USA LLC  
One McDonald's Plaza  
Oak Brook, IL 60523

Katy Dunn, Associate General Counsel  
25 West 18<sup>th</sup> Street  
New York, NY 10011

Fast Food Workers Organizing  
Committee of Delaware  
1000 N. West Street, 12<sup>th</sup> Floor  
Wilmington, DE 19801



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Re: McDonald's USA LLC  
Case 04-CA-131376

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/s/ Dennis P. Walsh  
DENNIS P. WALSH  
Regional Director

cc: (b) (6), (b) (7)(C)  
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